

92097427

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/760,130

Filing Date 1/12/01

First Named Inventor Jeffrey C. Herold

RECEIVED

Art Unit unknown

NOV 26 2003

Examiner Name unknown

Total Number of Pages in This Submission

Attorney Docket Number 033905-000014 TECHNOLOGY CENTER R3700

## ENCLOSURES (check all that apply)

 Fee Transmittal Form Drawing(s) After Allowance Communication to Group Fee Attached Licensing-related Papers Appeal Communication to Board of Appeals and Interferences Amendment / Reply Petition Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) After Final Petition to Convert to a Provisional Application Proprietary Information Affidavits/declaration(s) Power of Attorney, Revocation Change of Correspondence Address Status Letter Extension of Time Request Terminal Disclaimer Other Enclosure(s)  
(please identify below): Express Abandonment Request Request for Refund**Petition to Withdraw Holding of Abandonment; return postcard** Information Disclosure Statement CD, Number of CD(s) \_\_\_\_\_ Certified Copy of Priority Document(s)

Remarks

 Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Adrienne Yeung, Reg. No. 44,000 - Thelen Reid &amp; Priest LLP

Signature

Date

11/17/03

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name Diane Morse

Signature

Date

11-18-03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
 NOV 26 2003  
 TECHNOLOGY CENTER R370C

APPLICANT: Jeffrey C. Herold  
 SERIAL NO.: 09/760,130  
 FILING DATE: January 12, 2001  
 TITLE: ERGONOMICALLY CONFIGURED SHOULDER STRAPS SYSTEM  
 EXAMINER: Not assigned  
 ART UNIT: Not assigned

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date printed below:

Date: 11-18-03Name: Diane Morse  
Diane Morse

**MAIL STOP PETITION**  
**COMMISSIONER FOR PATENTS**  
**P.O. BOX 1450**  
**ALEXANDRIA, VA 22313-1450**

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

The Applicant received a Notice of Termination of Proceedings Under 37 CFR 1.53(e) of this application mailed October 29, 2003. (A copy of the Notice is enclosed.) However, the Applicant does not believe that the application should have been abandoned and hereby petitions that the holding of abandonment be withdrawn for the following reasons.

The Notice of Termination indicates that the application was abandoned because the applicant failed to timely or properly reply to the Notice to File Corrected Application Papers mailed on February 26, 2001. However, the Applicant did in fact timely and properly reply by mailing 1) drawing figure 1.; 2) eight claims; 3) Abstract; and 4) a copy of the Notice. Enclosed

are copies of those documents with the certificate of mailing indicating that those documents were mailed to the PTO March 10, 2001.

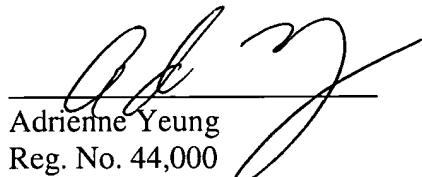
Accordingly the Applicant respectfully requests that the holding of abandonment be withdrawn and that examination of the application continue.

It is believed that no fee is required for filing the above-noted document. In the event any fee is required for filing of this Petition to Withdraw Holding of Abandonment, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 50-1698. A duplicate of this page is enclosed.

Respectfully submitted,

Thelen Reid & Priest LLP

Dated: November 17, 2003

  
\_\_\_\_\_  
Adrienne Yeung  
Reg. No. 44,000

Thelen Reid & Priest LLP  
P.O. Box 640640  
San Jose, CA 95110  
(408) 292-5800  
(408) 287-8040 (Fax)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/760,130		Jeffrey Herold	033905-014

Robert E. Krebs  
 Thelen Reid & Priest LLP  
 P.O. Box 640640  
 San Jose, CA 95164-0640

RECEIVED

NOV 26 2003

TECHNOLOGY CENTER R3700

CONFIRMATION NO. 2248  
 ABANDONMENT/TERMINATION  
 LETTER



\*OC000000011127094\*

Date Mailed: 10/29/2003

**NOTICE OF TERMINATION OF PROCEEDINGS UNDER 37 CFR 1.53(e)**

Proceedings on the above-identified application number are **TERMINATED**.

The application did not meet the requirements of 37 CFR 1.53(b), (c), or (d) to be entitled to a filing date, and the filing error(s) specified in the Notice mailed on 02/26/2001 were not timely corrected (37 CFR 1.53(e)).

The \$ 355 fee submitted with the application, less a \$130.00 handling fee, will be refunded or credited to your deposit account.

*A copy of this notice **MUST** be returned with the reply.*

*J Stokes*  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

In Re: Herold, J.

Serial Number 09/760,130

## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

on 03/10/2001

Date



Signature

Joseph Page

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Missing Parts Transmittal

Figure 1

Abstract

Claims (8)

Copy of Notice



## In the United States Patent and Trademark Office

Applicant : Herold, Jeffrey  
5 Serial No. : 09/760,130  
Filed : 01/12/2001  
Title : "Ergonomically Configured Shoulder Straps System"

Date: March 10, 2001

10

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

RECEIVED  
NOV 26 2003  
TECHNOLOGY CENTER AS206

### Missing Parts Transmittal

15 After receipt of Notice of Incomplete Nonprovisional Application mailed 02/26/2001, a review of the file copy in our office was made. It has been determined that an error, probably a result of a copier misfeed, left the submitted copy without claims, an abstract, and drawing figure #1. Please note that the notice omits notice regarding figure 1, but nevertheless, it appears to also be missing.

20 Thus, submitted herewith are the claims (8), the abstract, and drawing figure 1. Please enter these into the file. Please further note that the original declaration was properly signed in view of the original eight claims and thus operates thereon with need for new declaration and no new declaration is being submitted.

25 Please direct any questions to me as soon as possible so they can receive my immediate attention.

Respectfully submitted,

Joseph Page



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/760,130	01/12/2001	Jeffrey Herold	236.8

24734  
PAGE LOHR ASSOCIATES  
PO BOX 757  
LA JOLLA, CA 92038

CONFIRMATION NO. 2248  
FORMALITIES LETTER  
  
 \*OC00000005796955\*

Date Mailed: 02/26/2001

**NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification does not include at least one claim.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

---

*A copy of this notice **MUST** be returned with the reply.*